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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,244	12/05/2003	Nolan T. Brooks	PBROOT	1173
<div>7590 Thompson E. Fehr Suite 300 Goldenwest Corporate Center 5025 Adams Avenue Ogden, UT 84403</div>			<div>EXAMINER GABLER, PHILIP FRANCIS</div>	
			<div>ART UNIT 3637</div>	<div>PAPER NUMBER</div>
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/19/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/729,244	BROOKS, NOLAN T.	
	Examiner	Art Unit	
	Philip Gabler	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 43-46 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 43 recites the limitation "the point of attachment of said second wheel to the second segment of the first two-piece leg" beginning on the thirty-fourth line of the claim. There is insufficient antecedent basis for this limitation in the claim as the second wheel is only claimed as connected to the second two-piece leg.

5. Claim 45 recites the limitation "the first segment of the first one-piece leg... and... the first segment of the second one-piece leg" beginning on its fiftieth line. There is insufficient antecedent basis for this limitation in the claim.
6. Claims 44 and 46 are deemed indefinite as being dependent on indefinite claims.

***Claim Rejections - 35 USC § 103***

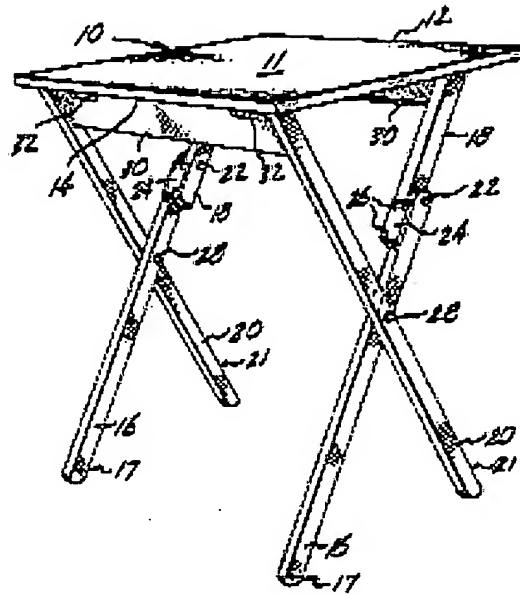
7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains: Patentability shall not be negated by the manner in which the invention was made.

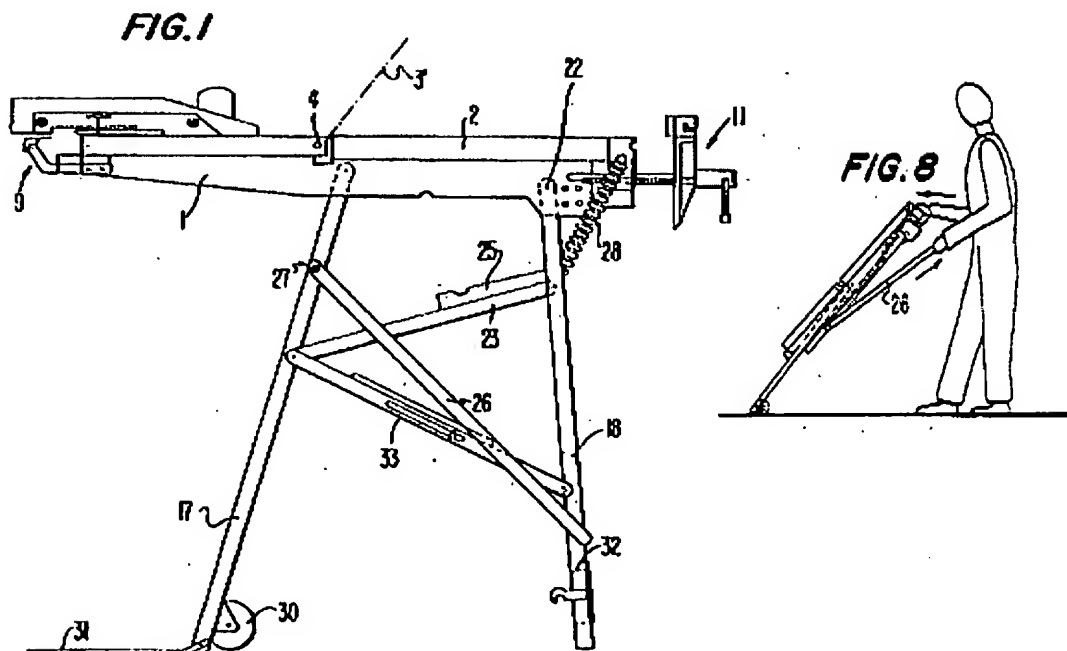
8. Claims 20, 27, 28, 35, and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (US Patent Number 3646895) in view of Wolff (US Patent Number 5067535). Campbell discloses a folding table as described in the Jepson portion of the claims [basically first and second one-piece legs (21), first and second two-piece legs (17), and a tabletop (11), wherein, as best understood, first segments of the one-piece legs are near a second end of the tabletop]; but does not disclose the improvement, i.e. first and second wheels connected to the first and second two-piece legs respectively and power assist actuators. Wolff (Figures 1 and 8) discloses a folding table including a first and second wheel (30) having a radius and a bottom and being rotatably connected to a segment of a first and second leg (17, 19, including 31, etc.) at a point near a free end (bottom of 17, 19) with the legs being bent (viewed as bend of 31 at point of attachment to 17, 19) near the point of attachment of said wheels

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to the leg at an angle away from the tabletop; the dimensions of the wheels and legs selected such that the free ends of the legs hold the wheels above a surface supporting the table when the legs have been unfolded to support the tabletop (see for example column 3 line 68 to column 4 line 2) while maintaining the free ends of the legs higher than the bottom of the said wheels and providing ground clearance for the free ends of the legs when the table has been folded that can substantially equal the radius of a wheel (see for example Figure 8 where the table is near its folded position and it is clear that the ground clearance of the free end of the legs is variable based on the angle of the table relative to the ground). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Campbell's table to include wheels that are disengaged from the ground when the table is unfolded, but engaged with the ground when the table is folded as taught by Wolff because this arrangement would allow Campbell's table to be moved easily when folded, but maintain its stability when unfolded. Furthermore, it would have been obvious to include bends in the legs to enhance the stability of the table. Wolff further discloses first and second power assist actuators (28) pivotally connected to the tabletop and a first and second one-piece leg (18, 20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include first and second power assist actuators as taught by Wolff because this arrangement would provide Campbell's table with an opening and closing assist, making the operation of the table easier as well as maintaining the legs in their folded or unfolded positions.



Campbell '895 Figure 2



Wolff '535 Figures 1 and 8

9. Claims 16, 19, 23, 26, 31, 34, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Wolff and Cheng et al. (US Patent Number 5829365).

10. Regarding claims 16, 19, 26, and 41, Campbell discloses a folding table as described in the Jepson portion of the claims [basically first and second one-piece legs (21), first and second two-piece legs (17), and a tabletop (11)]; but does not disclose the improvement, i.e. first and second wheels connected to the first and second two-piece legs respectively, power assist actuators, and bends. Wolff (Figures 1 and 8) discloses a folding table including a first and second wheel (30) having a radius and a bottom and being rotatably connected to a segment of a first and second leg (17, 19, including 31, etc.) at a point near a free end (bottom of 17, 19) with the legs being bent (viewed as bend of 31 at point of attachment to 17, 19) near the point of attachment of said wheels to the leg at an angle away from the tabletop; the dimensions of the wheels and legs selected such that the free ends of the legs hold the wheels above a surface supporting the table when the legs have been unfolded to support the tabletop (see for example column 3 line 68 to column 4 line 2) while maintaining the free ends of the legs higher than the bottom of the said wheels and providing ground clearance for the free ends of the legs when the table has been folded that can substantially equal the radius of a wheel (see for example Figure 8 where the table is near its folded position and it is clear that the ground clearance of the free end of the legs is variable based on the angle of the table relative to the ground). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Campbell's table to

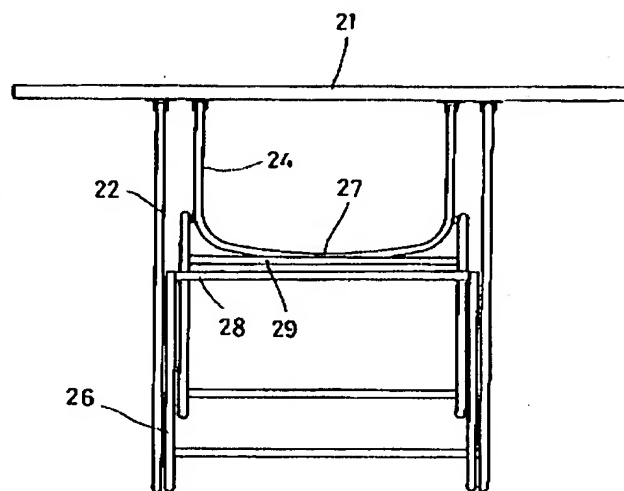
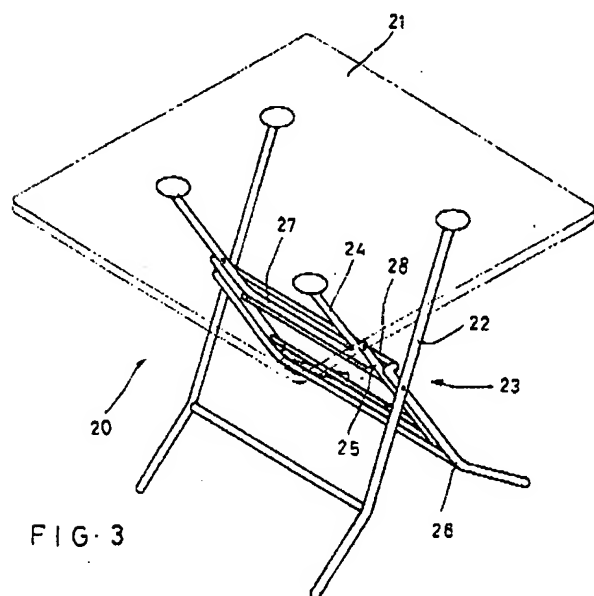
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include wheels that are disengaged from the ground when the table is unfolded, but engaged with the ground when the table is folded as taught by Wolff because this arrangement would allow Campbell's table to be moved easily when folded, but maintain its stability when unfolded. Furthermore, it would have been obvious to include bends in the legs to enhance the stability of the table. Wolff further discloses first and second power assist actuators (28) pivotally connected to the tabletop and a first and second one-piece leg (18, 20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include first and second power assist actuators as taught by Wolff because this arrangement would provide Campbell's table with an opening and closing assist, making the operation of the table easier as well as maintaining the legs in their folded or unfolded positions. Cheng (Figures 3 and 5) discloses a folding table with free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.

11. Regarding claims 23, 31, 34, and 38, Campbell, when modified by Wolff as described above, discloses a folding table as recited in claims 20, 27, 28, and 35, but does not disclose legs bent outwardly. Cheng (Figures 3 and 5) discloses a folding table with free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to



further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.



Cheng et al. '365 Figures 3 and 5

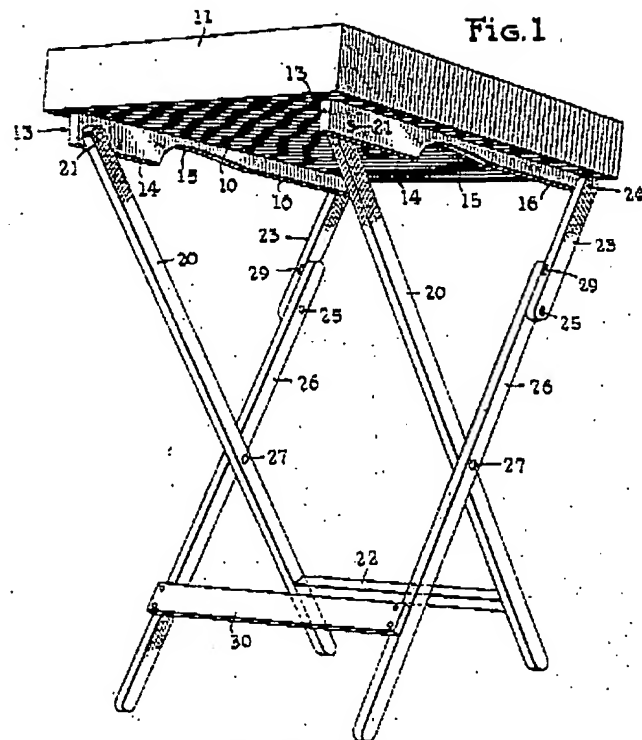
12. Claims 14, 15, 17, 18, 21, 22, 24, 25, 29, 30, 32, 33, 36, 37, 39, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Wolff, Allbritton (US Patent Number 2061357), and Cheng.

13. Regarding claims 14, 15, 17, 18, 24, 25, 39, 40, and 42, Campbell discloses a folding table as described in the Jepson portion of the claims [basically first and second one-piece legs (21), first and second two-piece legs (17), and a tabletop (11)]; but does not disclose the improvement, i.e. first and second wheels connected to the first and second two-piece legs respectively, power assist actuators, a screw, a pin, crosspieces, and bends. Wolff (Figures 1 and 8) discloses a folding table including a first and second

wheel (30) having a radius and a bottom and being rotatably connected to a segment of a first and second leg (17, 19, including 31, etc.) at a point near a free end (bottom of 17, 19) with the legs being bent (viewed as bend of 31 at point of attachment to 17, 19) near the point of attachment of said wheels to the leg at an angle away from the tabletop; the dimensions of the wheels and legs selected such that the free ends of the legs hold the wheels above a surface supporting the table when the legs have been unfolded to support the tabletop (see for example column 3 line 68 to column 4 line 2) while maintaining the free ends of the legs higher than the bottom of the said wheels and providing ground clearance for the free ends of the legs when the table has been folded that can substantially equal the radius of a wheel (see for example Figure 8 where the table is near its folded position and it is clear that the ground clearance of the free end of the legs is variable based on the angle of the table relative to the ground). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Campbell's table to include wheels that are disengaged from the ground when the table is unfolded, but engaged with the ground when the table is folded as taught by Wolff because this arrangement would allow Campbell's table to be moved easily when folded, but maintain its stability when unfolded. Furthermore, it would have been obvious to include bends in the legs to enhance the stability of the table. Wolff further discloses first and second power assist actuators (28) pivotally connected to the tabletop and a first and second one-piece leg (18, 20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include first and second power assist

actuators as taught by Wolff because this arrangement would provide Campbell's table with an opening and closing assist, making the operation of the table easier as well as maintaining the legs in their folded or unfolded positions. Allbritton (Figure 1) discloses a folding table including a fastener (for attaching element 30) mounted in the bottom of a leg, a pin (25) removably insertable into an aperture in a first segment and a corresponding aperture in a second segment (both at 25) when the segments are unfolded, and crosspieces (22, 30) attached between legs below points of pivotal attachment (25, 27). [Note that while he does not specifically disclose the fasteners as screws, screws are well known in the art and would be an obvious choice for a fastener.] Cheng (Figures 3 and 5) also discloses a folding table including a first crosspiece (27) attached between first segments of two-piece legs, a second crosspiece (29) attached between second segments of two-piece legs below a pivotal attachment point, and a third crosspiece (at bottom of Figure 5) attached between one-piece legs below a pivotal attachment point. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include a screw, a pin, and first, second, and third crosspieces as taught by Allbritton and Cheng because this arrangement would provide Campbell's table much greater stability and structural integrity. Finally, Cheng further discloses free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.

14. Regarding claims 21, 22, 29, 30, 32, 33, 36, and 37, Campbell, when modified by Wolff as described above, discloses a folding table as recited in claims 20, 27, 28, and 35, but does not disclose a screw, a pin, crosspieces, and bends. Allbritton (Figure 1) discloses a folding table including a fastener (for attaching element 30) mounted in the bottom of a leg, a pin (25) removably insertable into an aperture in a first segment and a corresponding aperture in a second segment (both at 25) when the segments are unfolded, and crosspieces (22, 30) attached between legs below points of pivotal attachment (25, 27). [Note that while he does not specifically disclose the fasteners as screws, screws are well known in the art and would be an obvious choice for a fastener.] Cheng (Figures 3 and 5) also discloses a folding table including a first crosspiece (27) attached between first segments of two-piece legs, a second crosspiece (29) attached between second segments of two-piece legs below a pivotal attachment point, and a third crosspiece (at bottom of Figure 5) attached between one-piece legs below a pivotal attachment point. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include a screw, a pin, and first, second, and third crosspieces as taught by Allbritton and Cheng because this arrangement would provide Campbell's table much greater stability and structural integrity. Finally, Cheng further discloses free ends of one-piece legs (22) bent outwardly. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Campbell's table to include outwardly bent leg ends as taught by Cheng because this arrangement would provide Campbell's table greater safety and stability.



Allbritton '357 Figure 1

### ***Response to Arguments***

15. Applicant's arguments, see remarks, filed 8 February 2007, with respect to the objection to the specification and the 35 USC 112 claim rejections have been fully considered and are persuasive. The objection to the specification and the 35 USC 112 claim rejections have been withdrawn. Note that new 35 USC 112 claim rejections have been made in this Office Action.

16. The remainder of Applicant's arguments filed 8 February 2007 have been fully considered but they are not persuasive. The cited references are viewed as disclosing (either directly or in combination) all of the limitations as set forth in the claims.

Specifically, Wolff discloses members viewed as power assist actuators and a wheel

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arrangement meeting the claimed limitations. The combination of the references is considered valid and obvious for the reasons stated in the rejections above. Without explicit recitation in the claims of the distinguishing features of Applicant's invention (e.g. a power assist actuator comprising a housing, a piston, etc.), the cited prior art is viewed as meeting the claimed limitations and the rejections are accordingly maintained.

### ***Conclusion***

17. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-

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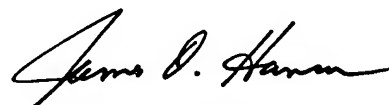
6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG

3/15/2007



JAMES O. HANSEN  
PRIMARY EXAMINER